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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,439	02/20/2001	John T. Foreman	5040-06323/EBM	5226

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EXAMINER	
VARGOT, MATHIEU D	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/788,439	FOREMAN ET AL.	
	Examiner	Art Unit	
	Mathieu D. Vargot	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1160-1164 and 1288-1295* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1160-1164 and 1288-1295* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1160-1164 and 1288-1295 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 98/28126 (see page 5, lines 8-12 and page 11, line 16 through page 12, line 29), either alone, or further in view of European Patent Application 318,164 (see page 14, lines 13-19).

The primary reference discloses the basic claimed computer-implemented method for displaying the status of an eyeglass lens forming apparatus including the steps of monitoring the parameter of at least one component of the curing unit and displaying the status of the monitored components on a display device—ie, monitor. It is submitted that the teaching of a back-lit LCD system (26) which shows the system status in conjunction with LED's (28) which display lamp hours, cure status and oven conditions is sufficient to indicate that the curing unit is being monitored and displayed. Basically, the primary reference fails to explicitly disclose the steps of comparing the monitored parameter to an acceptable range and displaying an error message if the monitored parameter is outside of the range. It is submitted as notoriously well known in the art to control a parameter of a component being monitored by comparing the monitored value to a desired acceptable range and either effecting a change of such parameter should it stray outside the accepted range or at least notifying an operator at this point by displaying an error message. In other words, it is respectfully submitted that instant

claim 1160 is obvious over PCT –126 alone given what is generally well known in the art. At any rate, European –164 discloses a lens curing system control wherein mold parameters are monitored and should such not be acceptable, an error signal is displayed on the monitor and an audio signal generated. Hence, it is rather clear in this art that a control scheme would involve some kind of comparison of a parameter and error display message should the parameter not fall within an accepted range. Again, the steps found lacking in PCT –126 are so common in the art that one of ordinary skill would hardly need a disclosure of them to know that they would be advantageously used in a control scheme. The LED and LCD display of PCT –126 is most probably colored as such is conventional in the art. The lens curing unit of PCT –126 (see Figures 3 and 4) uses both heat (44) and light (14) and to divide the unit into a first and second curing unit would have been obvious to one of ordinary skill in the art to facilitate the application of specific cure cycles separately. Concerning instant claim 1290, see 79 and 706 in Figure 5 of PCT –126. European –164 (page 17, lines 5-12) discloses a post curing of the finished lenses and such would have been an obvious modification to the process of the primary reference to ensure complete cure of the lens—such is nothing but conventional in the art. While the references do not show the use of a conveyor, it is submitted that one of ordinary skill in the art would have found such a modification to the process of PCT –126 as obvious desiring to make the operation a continuous one by affording movement into and out of the oven.

2.Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the amendment, new art has been applied which more closely suggests the instant invention. As such, applicant's comments with respect to the instant claims as pertaining to the previous action are now not in point. Needless to say, the primary reference monitors and displays curing component parameters. It is submitted that the aspects of comparing the parameter to an accepted range and then displaying an error message should the parameter fall outside such range are obvious over PCT –126, either alone, or further in view of European –164 for reasons already set forth supra.

3.Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 571 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
October 15, 2004

M. Vargot
Mathieu D. Vargot
Primary Examiner
Art Unit 1732

10/15/04